U.S. Army Corps of Engineers

DISTRICT OFFICE: Nashville FILE NUMBER: LRN-2007-642

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State: Alabama County: Madison

Center coordinates of site (latitude/longitude): 34-44-31.27 / 86-38-57.50

Approximate size of area (parcel) reviewed, including uplands: 2 acres.

Name of nearest waterway: McDonald Creek Name of watershed: Tennessee River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: April 11, 2007 Site visit(s) Date(s): April 3, 2007

Jurisdictional Determination	(III)	١

Preliminary JD - Based on available information, \square <i>there appear to be</i> (or) \square <i>there appear to be no</i> "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
☐ <i>There are</i> "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 250 Linear Feet.
☐ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. ☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Α.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":
	The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in
	the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, of were used in the past, of may be susceptible to use in
interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
(2) The presence of interstate waters including interstate wetlands ¹ .
(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats
sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
destruction of which could affect interstate commerce including any such waters (check all that apply):
(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: McDonald Creek crosses the western edge of the property at Mile 8.4. McDonald Creek flows into Huntsville Spring Branch at Mile 7.8, Right Bank. Huntsville Spring Branch is a tributary to the Tennessee River, a navigable water, Mile 321.0, Right Bank.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Nashville **FILE NUMBER:** 200700575

FILE NU	JMBER: 200700575						
State Cou Cen App Nan							
	ICTIONAL DETERMINATION upleted: Desktop determination						
Turri	sdictional Determination (JD):						
	Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).						
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:						
	☐ <i>There are</i> "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:						
	Matter are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:						
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.						
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.						
B. □ □	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.						
	 (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands. 						

Lat ⊠	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Changes in the character of soil Changes in the character of soil	
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.	
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared	oy:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basi rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 3 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rational Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):	ns, or land for 3 CFR
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Nashville **FILE NUMBER:** 200700570

Lat ⊠	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Changes in the character of soil Changes in the character of soil	
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.	
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared	oy:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basi rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 3 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rational Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):	ns, or land for 3 CFR
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²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Nashville **FILE NUMBER:** 200700569

Lat ⊠	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Changes in the character of soil Changes in the character of soil	
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.	
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared	oy:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basi rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 3 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rational Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):	ns, or land for 3 CFR
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	

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²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

Revised 8/13/04

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: Nashville **FILE NUMBER:** 200700568

Stat	te: Te	ION INFORMATIO ennessee	N:	
Cer Ap _l Nar	nter coordinate proximate size me of nearest	vidson es of site (latitude/lon e of area (parcel) revie waterway: Dry Creel ned: Cumberland	ewed, includin	36.30/86.73 g uplands:
	mpleted: D	DETERMINATION lesktop determination ite visit(s)	N 	Date: 03/29/2007 Date(s):
Jur	risdictional D	Determination (JD):		
	United State			n, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
	Approved J. Check all th		s an appealabl	e action (Reference 33 CFR part 331).
		re "navigable waters of darea. Approximate		tates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
		re "waters of the Unite ea. Approximate size		defined by 33 CFR part 328 and associated guidance) within the nal area:
	There ar			ate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No.
BASIS (Waters def The presence	e of waters that are su	part 329 as "n bject to the eb	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
B	(1) The presinterstate or (2) The pres (3) The pres sandflats, w destruction (i) which (ii) from (iii) who (4) Impound (5) The pres (6) The president (5) The president (5) The president (6) The president (6) The president (7) Th	sence of waters, which foreign commerce, in sence of interstate waters a sence of other waters a setlands, sloughs, prain of which could affect the are or could be use m which fish or shellf hich are or could be use dments of waters othe sence of a tributary to sence of territorial sea	n are currently acluding all was ers including it such as intrastatic potholes, with interstate comd by interstate ish are or could ed for industrict rwise defined a water identifics.	ate lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. d be taken and sold in interstate or foreign commerce. al purposes by industries in interstate commerce.

Lat ⊠	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Changes in the character of soil Changes in the character of soil	
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.	
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared	oy:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basi rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 3 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rational Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):	ns, or land for 3 CFR
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Nashville **FILE NUMBER:** 200700563

Cou Cen App Nam	e: Winty: Winter coordinate since of neares	Tennessee Wayne nates of site (latitude/l nize of area (parcel) re st waterway: Cypres	ongitude): viewed, includir	35.09/87.79 ag uplands:
	npleted:		_	Date: 03/29/2007 Date(s):
Juri	isdictional	Determination (JD)	:	
	United Sta	ates" and/or "navigab		n, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
			O is an appealab	le action (Reference 33 CFR part 331).
				states" (as defined by 33 CFR part 329 and associated guidance) within ctional area:
				defined by 33 CFR part 328 and associated guidance) within the nal area:
	☐ There	Decision su	apported by SW	tate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No.
A.	Waters do	efined under 33 CFI	R part 329 as "r subject to the el	bb and flow of the tide and/or are presently used, or have been used in
B. □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □	(1) The printerstate (2) The pr (3) The pr sandflats, destruction (ii) where (iii) fr (iii) v (4) Impout (5) The pr (6) The pr	resence of waters, who or foreign commerce resence of interstate varies and of the water wetlands, sloughs, proportion of which could affer hich are or could be worth which are or could be which are or could be undments of waters of resence of a tributary resence of territorial stresses.	ich are currently, including all way atters including all way atters including as such as intrast rairie potholes, was to interstate comesed by interstate llfish are or coul used for industrible herwise defined to a water identices.	used, or were used in the past, or may be susceptible to use in aters which are subject to the ebb and flow of the tide. interstate wetlands ¹ . ate lakes, rivers, streams (including intermittent streams), mudflats, wet meadows, playa lakes, or natural ponds, the use, degradation or imerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. d be taken and sold in interstate or foreign commerce. ital purposes by industries in interstate commerce. as waters of the US. fied in $(1) - (4)$ above.
	Stat Cou Cen App Narr Narr Narr SISD Cor SIS Co.	State: County: V Center coordin Approximate s Name of neare Name of water RISDICTIONA Completed: Jurisdictional Prelimina United St (Reference Approved Check all There the reviewed There reviewed There state (1) The prese the past, of (3) The prese sandflats, destruction (i) w (ii) fr (iii) s (5) The pr (6) The pr (7) The pr (7) The pr (8) The pr (9) The pr (State: Tennessee County: Wayne Center coordinates of site (latitude/I Approximate size of area (parcel) re Name of nearest waterway: Cypress Name of watershed: Pickwick RISDICTIONAL DETERMINATIONAL DETERMI	County: Wayne Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, includin Name of nearest waterway: Cypress Creek Name of watershed: Pickwick RISDICTIONAL DETERMINATION Completed: Desktop determination Site visit(s) Jurisdictional Determination (JD): Preliminary JD - Based on available information United States" and/or "navigable waters of the (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable Check all that apply: There are "navigable waters of the United States" (as reviewed area. Approximate size of jurisdiction. There are "isolated, non-navigable, intra-state Decision supported by SW. Jurisdiction. The presence of waters that are subject to the elethe past, or may be susceptible for use to transport of the presence of interstate waters including all waters and flats, wetlands, sloughs, prairie potholes, we destruction of which could affect interstate com (i) which are or could be used by interstate (ii) from which fish or shellfish are or could (ii) from which fish or shellfish are or could

Lat ⊠	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Changes in the character of soil Changes in the character of soil	
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	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared	oy:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basi rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 3 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rational Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):	ns, or land for 3 CFR
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U.S. Army Corps of Engineers

DISTRICT OFFICE: Nashville **FILE NUMBER:** 200700562

Stat	te:	TION INFORM Tennessee Vayne	MATION:		
Cer Ap _l Nar	nter coordin proximate si me of neare	ates of site (lati ize of area (pare st waterway: Si shed: Pickwick	cel) reviewed, hawnette Creel	including	35.17/87.69 uplands:
	mpleted:	L DETERMIN Desktop determ Site visit(s)		\square	Date: 03/29/2007 Date(s):
Jur	risdictional	Determination	(JD):		
	United Sta		vigable waters		☐ there appear to be (or) ☐ there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
		JD – An appro that apply:	ved JD is an ap	ppealable	action (Reference 33 CFR part 331).
		<i>are</i> "navigable ved area. Appro			ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
		are "waters of t area. Approxin			efined by 33 CFR part 328 and associated guidance) within the d area:
	☐ There	Decis			te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
BASIS (Waters do	nce of waters th	3 CFR part 32 at are subject t	29 as "na to the ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in the interstate or foreign commerce.
B.	(1) The printerstate (2) The pr (3) The pr sandflats, destructio (i) where (iii) where (4) Impout (5) The pr (6) The printerstate (1) (1) (2) (3) (4) (4) (4) (5) (5) (5) (6) (6) (6) (6) (6) (6) (6) (6) (6) (6	resence of water or foreign commerces of interservence of other wetlands, sloug n of which could hich are or could own which fish of which are or coundments of water resence of a trib resence of territor	rs, which are comerce, includir state waters incomerce waters such as the state water income and the state wate	urrently using all water all water all water all water all water all all water all all all all all all all all all al	s "waters of the United States": Issed, or were used in the past, or may be susceptible to use in Issed, or were used in the past, or may be susceptible to use in Issed, or were used in the past, or may be susceptible to use in Issed, or were used in the past, or may be susceptible to use in Iterstate wetlands. Is elakes, rivers, streams (including intermittent streams), mudflats, It meadows, playa lakes, or natural ponds, the use, degradation or Interce including any such waters (check all that apply): Iter foreign travelers for recreational or other purposes. Is taken and sold in interstate or foreign commerce. Is waters of the US. Is waters of the US. Is waters of the US, except for those wetlands adjacent to other wetlands.

Lat ⊠	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Changes in the character of soil Changes in the character of soil	
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.	
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared	oy:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basi rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 3 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rational Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):	ns, or land for 3 CFR
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Nashville **FILE NUMBER:** 200700561

		CT LOCAT		ORMATIO	ON:		
	State		ennessee				
			ayne	a			25.02/05.02
		ter coordinat					35.02/87.82
		roximate siz				including	g uplands:
		ne of nearest			Creek		
]	Nam	ne of watersh	ned: Pick	wick			
JURI	[SD]	ICTIONAL	DETER	MINATIO	N		
		pleted: D				\boxtimes	Date: 03/29/2007
		-	ite visit(s			Ħ	Date(s):
		S	ite visit(s	,		_	Dutc(5).
•	Juri	sdictional I	Determin	ation (JD):			
١			es" and/o	r "navigabl			, ☐ there appear to be (or) ☐ there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable
ļ	\boxtimes	Approved J Check all th) is an ap	ppealable	e action (Reference 33 CFR part 331).
		There a the reviewe					ates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
		There a reviewed as					defined by 33 CFR part 328 and associated guidance) within the al area:
		☐ There a	I		pported		tte waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
BASI	IS O	F JURISD	ICTION	AL DETER	RMINA	TION:	
	A.	Waters def The present	fined und ce of wate	er 33 CFR ers that are s	2 part 3 2 subject t	29 as "na o the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.
	B.	(1) The pre	sence of v	waters, which	ch are c	urrently u	s "waters of the United States": used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide.
		(2) The pre	sence of i	nterstate wa	aters inc	luding in	nterstate wetlands ¹ .
l		sandflats, w destruction (i) whi (ii) fro	vetlands, so of which ich are or m which	sloughs, pra could affect could be us fish or shell	airie potl et interst sed by ir lfish are	holes, we ate comn aterstate of or could	te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. I be taken and sold in interstate or foreign commerce. Il purposes by industries in interstate commerce.
		(4) Impoun(5) The pre(6) The pre	dments of a sence of t	f waters oth tributary to erritorial se	nerwise o o a wate eas.	defined as er identifi	s waters of the US. ied in (1) – (4) above. waters of the US, except for those wetlands adjacent to other wetlands.
,	_	(,, = mo pro			,		The state of the s

Lat ⊠	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Changes in the character of soil Changes in the character of soil	
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.	
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared	oy:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basi rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 3 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rational Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):	ns, or land for 3 CFR
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Nashville **FILE NUMBER:** 200700559

			FORMATIO	N:		
Stat		ennessee	2			
Cou		ayne				
			e (latitude/lon			35.04/87.32
			(parcel) revi		including	guplands:
Nan	ne of nearest	waterwa	ay: Cypress C	Creek		
Nan	ne of watersh	ned: Picl	kwick			
JURISD	ICTIONAL	DETE	RMINATION	J		
			letermination		\boxtimes	Date: 03/29/2007
	-	ite visit(Date(s):
	5	ite visit(3)		_	Date(s).
Jur	isdictional I	Oetermin	nation (JD):			
		es" and/o	or "navigable			, \sum there appear to be (or) \sum there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
\boxtimes	Approved J Check all th			s an ap	ppealable	action (Reference 33 CFR part 331).
			gable waters o Approximate			ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
			rs of the Unitoroximate size			lefined by 33 CFR part 328 and associated guidance) within the al area:
	There a					te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
BASIS C	F JURISD	ICTION	AL DETER	MINA	TION:	
Α.	Waters def	fined un	der 33 CFR 1	oart 32	29 as "na	vigable waters of the United States":
	The present	ce of wat	ers that are su	bject t	o the ebb	o and flow of the tide and/or are presently used, or have been used in rt interstate or foreign commerce.
В.	Waters def	fined un	der 33 CFR j	part 32	28.3(a) as	s "waters of the United States":
	(1) The pre	sence of	waters, which	are cu	urrently u	used, or were used in the past, or may be susceptible to use in
	interstate or	r foreign	commerce, in	ncludin	ig all wat	ers which are subject to the ebb and flow of the tide.
	(2) The pre	sence of	interstate wat	ers inc	luding in	iterstate wetlands ¹ .
\boxtimes	(3) The pre	sence of	other waters	such as	s intrastat	e lakes, rivers, streams (including intermittent streams), mudflats,
_						t meadows, playa lakes, or natural ponds, the use, degradation or
						nerce including any such waters (check all that apply):
						or foreign travelers for recreational or other purposes.
						be taken and sold in interstate or foreign commerce.
						l purposes by industries in interstate commerce.
						s waters of the US.
H						ed in (1) – (4) above.
H	-		territorial sea		100111111	σα m (1) (¬) μουτο.
					to other w	vaters of the US, except for those wetlands adjacent to other wetlands.

Lat ⊠	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Changes in the character of soil Changes in the character of soil	
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.	
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared	oy:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basi rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 3 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rational Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):	ns, or land for 3 CFR
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Nashville **FILE NUMBER:** 200700558

TILE IV	JNIDEN. 200	0700338					
Stat Cou Cen App Nan	e: Ter nty: Way ter coordinates roximate size	s of site (latitude/longitud of area (parcel) reviewed vaterway: Little Cypress	, including	35.02/87.68 g uplands:			
	npleted: Des	DETERMINATION sktop determination e visit(s)	\boxtimes	Date: 03/29/2007 Date(s):			
Jur	isdictional De	termination (JD):					
	Preliminary J United States	D - Based on available in		, \square there appear to be (or) \square there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable			
\boxtimes	Approved JD Check all tha		appealable	action (Reference 33 CFR part 331).			
		"navigable waters of the area. Approximate size		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:			
	☑ <i>There are</i> "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:						
	 There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. 						
BASIS (Waters define The presence	of waters that are subject	329 as "na t to the ebb	wigable waters of the United States": and flow of the tide and/or are presently used, or have been used in art interstate or foreign commerce.			
B. □	(1) The prese interstate or f (2) The prese (3) The prese sandflats, we destruction of (ii) which (iii) from (iii) which	ence of waters, which are foreign commerce, included the ence of interstate waters in the ence of other waters such tlands, sloughs, prairie per fewhich could affect internate or could be used by a which fish or shellfish as	currently using all wat including in as intrastate otholes, we state comminterstate or could or industria	te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or nerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. Il purposes by industries in interstate commerce.			
	(5) The prese(6) The prese	ence of a tributary to a wa ence of territorial seas.	ter identifi				

Lat ⊠	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Changes in the character of soil Changes in the character of soil	
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.	
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared	oy:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basi rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 3 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rational Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):	ns, or land for 3 CFR
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Nashville **FILE NUMBER:** 200700557

		ATION INFORMATION:							
Stat		Tennessee							
	_	Marshall	`	25 02/07 60					
		nates of site (latitude/longitude		35.02/87.68					
		size of area (parcel) reviewed,		suplands:					
		est waterway: Richaland Cree ershed: Upper Elk	K						
JURISD	ICTION	AL DETERMINATION							
		Desktop determination	\boxtimes	Date: 03/29/2007					
001	process	Site visit(s)		Date(s):					
Jur	isdictiona	l Determination (JD):							
			· ·						
	United S			, \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable					
\boxtimes		d JD – An approved JD is an a l that apply:	ppealable	action (Reference 33 CFR part 331).					
		e are "navigable waters of the wed area. Approximate size o		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:					
		e are "waters of the United Stall area. Approximate size of jun		lefined by 33 CFR part 328 and associated guidance) within the al area:					
	☐ There			te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No					
BASIS (OF JURIS	DICTIONAL DETERMINA	TION:						
Α.	Waters	defined under 33 CFR part 3	29 as "na	vigable waters of the United States":					
	The prese	ence of waters that are subject	to the ebb	o and flow of the tide and/or are presently used, or have been used in rt interstate or foreign commerce.					
В.	Waters o	defined under 33 CFR part 3	28.3(a) as	s "waters of the United States":					
				used, or were used in the past, or may be susceptible to use in					
_		or foreign commerce, includi-	ng all wat	ers which are subject to the ebb and flow of the tide.					
		presence of interstate waters in							
\boxtimes				e lakes, rivers, streams (including intermittent streams), mudflats,					
	sandflats	, wetlands, sloughs, prairie pot	tholes, we	t meadows, playa lakes, or natural ponds, the use, degradation or					
	destruction	on of which could affect inters	tate comn	nerce including any such waters (check all that apply):					
	(i) w	which are or could be used by it	nterstate c	or foreign travelers for recreational or other purposes.					
				be taken and sold in interstate or foreign commerce.					
				l purposes by industries in interstate commerce.					
		undments of waters otherwise							
		presence of a tributary to a wat	er identifi	ed in (1) – (4) above.					
		presence of territorial seas.							
	(7) The p	(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.							

Lat ⊠	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Changes in the character of soil Changes in the character of soil	
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.	
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared	oy:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basi rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 3 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rational Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):	ns, or land for 3 CFR
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Nashville **FILE NUMBER:** 200700494

FILE N	UMBER:	200700494			
Sta Co Ce Ap Na	te: unty: nter coordi proximate me of near	ATION INFORMATION: Tennessee Lincon inates of site (latitude/longitude size of area (parcel) reviewed, rest waterway: Unnamed Tribuershed: Upper Elk	including		
		AL DETERMINATION Desktop determination Site visit(s)		Date: 03/29/2007 Date(s):	
Ju	risdictiona	al Determination (JD):			
	United S			, \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the fulled States" on the project site. A preliminary JD is not appealable	
		ed JD – An approved JD is an a ll that apply:	appealable	action (Reference 33 CFR part 331).	
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:				
	★ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:				
	 There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. 				
BASIS A.	Waters The pres	ence of waters that are subject	329 as "na to the ebb	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in the interstate or foreign commerce.	
B. □	(1) The j	presence of waters, which are of or foreign commerce, includi	currently u	s "waters of the United States": used, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide.	
\square	(3) The part sandflats	s, wetlands, sloughs, prairie po	ns intrastat tholes, we	te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or	
	(i) v (ii) (iii) (4) Impo (5) The p (6) The p	which are or could be used by in from which fish or shellfish are which are or could be used for bundments of waters otherwise presence of a tributary to a water presence of territorial seas.	nterstate of e or could r industria defined as er identifi	ed in (1) – (4) above.	
	(7) The j	presence of wetlands adjacent ²	to other w	vaters of the US, except for those wetlands adjacent to other wetlands.	

Lat ⊠	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Changes in the character of soil Changes in the character of soil	
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.	
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared	oy:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basi rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 3 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rational Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):	ns, or land for 3 CFR
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Nashville District

FILE N	UMBER: 200700482
Stat Cou Cen App Nan	CT LOCATION INFORMATION: e: Tennessee inty: Jefferson ter coordinates of site (latitude/longitude): N36.01271 W83.44537 proximate size of area (parcel) reviewed, including uplands: acres. ne of nearest waterway: Goose Creek ne of watershed: French Broad
	ICTIONAL DETERMINATION Impleted: Desktop determination
Jur	isdictional Determination (JD):
	Preliminary JD - Based on available information, \square <i>there appear to be</i> (or) \square <i>there appear to be no</i> "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
\boxtimes	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	☐ <i>There are</i> "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	☐ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. ☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS (OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Goose Creek is a tributary to the French Broad River

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

(4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

Lat ⊠	Ordinary High Water Mark indicated by: I clear, natural line impressed on the bank I the presence of litter and debris I changes in the character of soil I destruction of terrestrial vegetation I shelving I other: Ordinary High Water Mark indicated by: I High Tide Line indicated by: I high Tide Line indicated by: I oil or scum line along shore objects I fine shell or debris deposits (foreshore) I physical markings/characteristics I tidal gages I other: I other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	sis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	 □ Artificially irrigated areas, which would revert to upland if the irrigation ceased. □ Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. □ Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
	 ☐ Isolated, intrastate wetland with no nexus to interstate commerce. ☐ Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: ☐ Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company):
	Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Jefferson City, Tennessee Quad
	U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps:
	State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): ERFO GIS/Date Unknown Other photographs (Date): Supplied by applicant, date unknown
	Other photographs (Date): Supplied by applicant, date unknown Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Nashville District

FILE NUMBER: 200502411

	PROJE	CT LO	CATION	INFOR	MATION:
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(6) The presence of territorial seas.

State: Tennessee
County: Roane/Anderson

		nates of site (latitude	•	N35.96533, W84.35467
		size of area (parcel)		g uplands: acres.
	me of mear	est waterway: East F ershed: Lower C		
110	inc or wate	Abrica. Edwer C.		
		AL DETERMINAT		
Co	mpleted:	Desktop determina		Date:
		Site visit(s)	\boxtimes	Date(s): 3/12/2007
Ju	risdictiona	al Determination (J	D):	
	United S		able waters of the U	, ☐ there appear to be (or) ☐ there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable
		ed JD – An approved ll that apply:	JD is an appealable	e action (Reference 33 CFR part 331).
		e are "navigable wat wed area. Approxin		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
		e are "waters of the larea. Approximate		defined by 33 CFR part 328 and associated guidance) within the all area:
	☐ There	_	supported by SWA	te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
BASIS	OF JURIS	SDICTIONAL DET	ERMINATION:	
A.				avigable waters of the United States":
				and flow of the tide and/or are presently used, or have been used in
	the past,	or may be susceptible	le for use <u>to transpo</u>	rt interstate or foreign commerce.
В.	Waters	defined under 33 C	FR part 328.3(a) a	s "waters of the United States":
				used, or were used in the past, or may be susceptible to use in
	interstate	e or foreign commerc	e, including all wat	ers which are subject to the ebb and flow of the tide.
		presence of interstate		
				te lakes, rivers, streams (including intermittent streams), mudflats,
			• •	et meadows, playa lakes, or natural ponds, the use, degradation or nerce including any such waters (check all that apply):
				or foreign travelers for recreational or other purposes.
				be taken and sold in interstate or foreign commerce.
	(iii)	which are or could b	e used for industria	d purposes by industries in interstate commerce.
		oundments of waters		
\boxtimes	(5) The p	presence of a tributar	y to a water identifi	led in $(1) - (4)$ above.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: East Fork Poplar Creek is a tributary to the Clinch River

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Lat 🖾	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
\boxtimes	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Bethel Valley, Tennessee Quad U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps:
	State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): ERFO GIS/Date Unknown Other photographs (Date): 11/22/2005, 3/12/2007 Advanced Identification Wetland maps: Site visit/determination conducted on: 11/22/2007, 3/12/2007 Applicable/supporting case law: Other information (please specify): Preliminary JD pending final survey of wetland boundaries.

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Nashville **FILE NUMBER:** 2007-00679

PROJE (CT LOCATION I	NFORMATION:		
Stat	e: KY			
Cou	inty: Laurel			
Cen	•			37 10 22/83 58 21
App	proximate size of ar	rea (parcel) reviewed	, including	g uplands: 50+ acres.
Nan	ne of nearest water	way: South Fork Roc	kcastle Ri	ver
Nan	ne of watershed:	05130102 Rockcas	stle	
	ICTIONAL DET		_	
Con	npleted: Desktop	determination		Date:
	Site visi	it(s)	\boxtimes	Date(s): April 9, 2007
Jur	isdictional Determ			
		d/or "navigable wate		, ☐ there appear to be (or) ☐ there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable
\boxtimes	Approved JD – A Check all that app		appealable	action (Reference 33 CFR part 331).
		vigable waters of the Approximate size of		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
				defined by 33 CFR part 328 and associated guidance) within the al area: 2 stream segments.
	☐ There are "iso			te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
DACTO	AE HIDICDICTIO	NAL DETERMINA	ATION.	
				wigable westers of the United States?
A.				wigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in
				rt interstate or foreign commerce.
В.	Waters defined u	ınder 33 CFR part 3	328.3(a) as	s "waters of the United States":
				used, or were used in the past, or may be susceptible to use in
	interstate or foreig	gn commerce, includ	ing all wat	ers which are subject to the ebb and flow of the tide.
	(2) The presence of	of interstate waters in	ncluding in	iterstate wetlands ¹ .
\boxtimes	(3) The presence of	of other waters such	as intrastat	te lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetland	s, sloughs, prairie po	tholes, we	t meadows, playa lakes, or natural ponds, the use, degradation or
				nerce including any such waters (check all that apply):
				or foreign travelers for recreational or other purposes.
				be taken and sold in interstate or foreign commerce.
				l purposes by industries in interstate commerce.
		s of waters otherwise		
			ter identifi	ed in (1) – (4) above.
	(6) The presence of			
	(7) The presence of	of wetlands adjacent ²	to other w	vaters of the US, except for those wetlands adjacent to other wetlands.

Lat	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: changes in vegetation and hydrology □ others destruction (Reference: 33 CFR parts 328 and 329) □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Water treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificial living and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Other (explain): REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared by the Corps. Corps navigable waters' studies: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 8.5 Minute Historic qua
_	
David Ba	aldridge Bradley N. Bishop

David Baldridge Regulatory Specialist Operations Division

Bradley N. Bishop Chief, Western Regulatory Section Operations Division

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

 $^{^2}$ The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Nashville **FILE NUMBER:** 2007-00450

ECT LOCATION INFORMATION: ate: KY	
ounty: Knox/Whitley enter coordinates of site (latitude/longitude): 36 41 15.5/83 53 37.51 opproximate size of area (parcel) reviewed, including uplands: 200+ acres. ame of nearest waterway: Poplar Creek ame of watershed: 05130101 Upper Cumberland	
DICTIONAL DETERMINATION Desktop determination Site visit(s) Date: Date(s): April 10, 2007	
risdictional Determination (JD):	
Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:	
☐ <i>There are</i> "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) with the reviewed area. Approximate size of jurisdictional area:	in
There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 3 Streams.	
There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of Jurisdiction.	No
OF JURISDICTIONAL DETERMINATION:	
Waters defined under 33 CFR part 329 as "navigable waters of the United States":	1
Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands.	
sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.	
 (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. 	ds.
	tite: KY untry: Knox/Whitley nter coordinates of site (latitude/longitude): 36 41 15.5/83 53 37.51 proximate size of area (parcel) reviewed, including uplands: 200+ acres. me of nearest waterway: Poplar Creek me of watershed: 05130101 Upper Cumberland DICTIONAL DETERMINATION mpleted: Desktop determination

Lat	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: changes in vegetation and hydrology □ others destruction (Reference: 33 CFR parts 328 and 329) □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Water treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificial living and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Other (explain): REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared by the Corps. Corps navigable waters' studies: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 8.5 Minute Historic qua
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David Ba	aldridge Bradley N. Bishop

David Baldridge Regulatory Specialist Operations Division

Bradley N. Bishop Chief, Western Regulatory Section Operations Division

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

 $^{^2}$ The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Nashville **FILE NUMBER:** 200700605

Sta Co Ce Ap Na	te: AL unty: Madison nter coordinates of site (latitude/longitude): proximate size of area (parcel) reviewed, includi me of nearest waterway: Mill Creek me of watershed: Tennessee River	34-42-29.7, 86-46-15.1 ng uplands: 20 acres.
	DICTIONAL DETERMINATION mpleted: Desktop determination Site visit(s)	Date: 4/10/07 Date(s): 3/29/07
Ju	risdictional Determination (JD):	
		on, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
	Approved JD – An approved JD is an appealal Check all that apply:	ele action (Reference 33 CFR part 331).
	There are "navigable waters of the United the reviewed area. Approximate size of jurisd	States" (as defined by 33 CFR part 329 and associated guidance) within ctional area:
		s defined by 33 CFR part 328 and associated guidance) within the onal area: 0.3 acres of wetland.
		tate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No.
<u>A.</u>	OF JURISDICTIONAL DETERMINATION Waters defined under 33 CFR part 329 as " The presence of waters that are subject to the e the past, or may be susceptible for use to trans	navigable waters of the United States": bb and flow of the tide and/or are presently used, or have been used in
В. П	(1) The presence of waters, which are currently interstate or foreign commerce, including all w (2) The presence of interstate waters including	y used, or were used in the past, or may be susceptible to use in eaters which are subject to the ebb and flow of the tide. interstate wetlands ¹ .
	sandflats, wetlands, sloughs, prairie potholes, destruction of which could affect interstate could (i) which are or could be used by interstate (ii) from which fish or shellfish are or could	tate lakes, rivers, streams (including intermittent streams), mudflats, wet meadows, playa lakes, or natural ponds, the use, degradation or inmerce including any such waters (check all that apply): e or foreign travelers for recreational or other purposes. Id be taken and sold in interstate or foreign commerce. rial purposes by industries in interstate commerce.
	(4) Impoundments of waters otherwise defined(5) The presence of a tributary to a water ident(6) The presence of territorial seas.	as waters of the US.

	Ordinary High Water Mark indicated by: I clear, natural line impressed on the bank I the presence of litter and debris Changes in the character of soil D destruction of terrestrial vegetation Shelving Ordinary High Water Mark indicated by: High Tide Line indicated by: Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: Other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
\boxtimes	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: AST
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
\boxtimes	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated 2/15/07, prepared by (company): ☐ This office does not concur with the delineation report, dated

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

La≀ ⊠	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ other: □ destruction of Jurisdiction: (Reference: 33 CFR parts 328 and 329) □ High Tide Line indicated by: □ oil or scum line along shore objects □ fine shell or debris deposits (foreshore) □ physical markings/characteristics □ tidal gages □ other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Madison, Alabama U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: Madison County, Alabama National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Name & Date): Site visit/determination conducted on: April 3, 2007 Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

 $^{^2}$ The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.